# CITY COMMISSION REGULAR MEETING AGENDA November 18, 2003 - 6:00 P.M.

Roll Call

Invocation: Pastor Louis Abel, Trinity Lutheran Church

Pledge of Allegiance

Approval of Minutes - N/A

#### **PRESENTATIONS**

- The Mayor and City Commissioners will recognize the Community Appearance Board's "WOW Award" for the Xeriscape Category and District II.
- 2. The Mayor and City Commissioners will recognize the *Outstanding City Employees* (rescheduled from November 4, 2003 due to length of the agenda).

#### **CONSENT AGENDA**

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

# Event Agreement – 16<sup>th</sup> Annual Las Olas January Art Fair

(M-1)

A motion authorizing the proper City officials to execute an event agreement with the **Las Olas Association** to indemnify, protect and hold harmless the City from any liability in connection with the **16**<sup>th</sup> **Annual Las Olas January Art Fair** to be held **Saturday and Sunday, January 3 and 4, 2004 from 10:00 a.m. to 5:00 p.m.** in the East Las Olas shopping district; and further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue from 4:30 a.m. Saturday, January 3 to 10:00 p.m. Sunday, January 4, 2004.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1613 from Acting City Manager.

# **Event Agreement – James Jr. Fund Raiser**

(M-2)

A motion authorizing the proper City officials to execute an event agreement with the **James Jr. Fund Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **James Jr. Fund Raiser** to be held **Saturday, November 22, 2003 from 6:00 p.m. to 11:00 p.m.**; and further authorizing the closing of Sunrise Lane from N.E. 9 Street north to Sunrise Boulevard, from 3:00 p.m., November 22 to 1:00 a.m. on November 23, 2003.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1542 from Acting City Manager.

#### **Event Agreement – International Candlelight Vigil**

(M-3)

A motion authorizing the proper City officials to execute an event agreement with Covenant House Florida, Inc. in connection with the International Candlelight Vigil to be held Tuesday, December 9, 2003 from 5:00 p.m. to 8:30 p.m. at the Esplanade.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1615 from Acting City Manager.

# **Event Agreement - Holiday Home Tour**

(M-4)

A motion authorizing the proper City officials to execute an event agreement with the Victoria Park Civic Association to indemnify, protect and hold harmless the City from any liability in connection with Holiday Home Tour to be held Saturday, December 6, 2003 from 1:00 p.m. to 6:00 p.m., and Sunday, December 7, 2003 from 1:00 p.m. to 10:00 p.m.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1614 from Acting City Manager.

#### **Event Agreement – First Year Anniversary Celebration (Anyways Bar)**

(M-5)

A motion authorizing the proper City officials to execute an event agreement with Anyways Bar Inc. to indemnify, protect and hold harmless the City from any liability in connection with the First Year Anniversary Celebration to be held Friday, December 5, 2003 from 7:00 p.m. to 11:00 p.m.; and Saturday and Sunday, December 6 and 7, 2003 from 12:00 noon to 11:00 p.m.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1616 from Acting City Manager.

# Tripartite Agreement – Performing Arts Center Authority (PACA) and Broward County

(M-6)

A motion authorizing the proper City officials to execute a tripartite agreement with PACA and Broward County for financial assistance to the Performing Arts Center.

Funds: See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1631 from Acting City Manager.

# Contract Award – MGT of America – Executive Search Firm Recruitment for City Manager

(M-7)

A motion authorizing the proper City officials to execute an agreement with MGT of America for the recruitment of the city manager.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1675 from Acting City Manager.

### **Executive Airport -**

# Joint Participation Agreement (JPA) – Florida Department of Transportation – Grant Funding Redirection to Security Enhancements

(M-8)

A motion authorizing the proper City officials to execute a JPA with FDOT to accept a grant in the amount of \$688,000; a Supplemental JPA with FDOT for a grant in the amount of \$508,460.73; and a Supplemental JPA with FDOT for a grant in the amount of \$52,977.43 for grant funding redirection to security enhancements with no required Executive Airport matching funds.

**Recommend:** Introduce motion.

**Exhibit:** Memo No. 03-1602 from Acting City Manager.

# Increase Funds for Purchase Order No. 0300343 <u>First Vehicle Services – Sanitation Fleet Maintenance</u>

(M-9)

A motion approving an increase to Purchase Order No. 03000343 issued to First Vehicle Services in the amount of \$72,013.78 for additional repair costs to Sanitation fleet vehicles.

Funds: See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1491 from Acting City Manager.

# Change Order No. 1 – MBR Construction, Inc. - Project 10253 – Holiday Park Gymnasium Renovation Project

(M-10)

A motion authorizing the proper City officials to execute Change Order No. 1 with MBR Construction, Inc. in the amount of \$31,200.07 for additional work associated with the Holiday Park Gymnasium Renovation project.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1490 from Acting City Manager.

Change Order No. 1 -

Weekley Asphalt Paving, Inc. – Project 10692 – Annual Asphalt Resurfacing Contract – Evergreen Cemetery Roadway Resurfacing Project

(M-11)

A motion authorizing the proper City officials to execute Change Order No. 1 with Weekley Asphalt Paving, Inc., in the amount of \$14,580 for the paving of the Evergreen Cemetery roadway.

Funds: See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1585 from Acting City Manager.

Task Order No. 6, Amendment No. 2 – CH2M Hill, Inc. – Resident Project Representative Services - Excavation and Removal of Lime Sludge, Fiveash West Prospect Wellfield

(M-12)

A motion authorizing the proper City officials to execute Task Order No. 6, Amendment No. 2 with CH2M Hill, Inc. in the amount of \$84,651 for the provision of Resident Project Representative (RPR) services to properly control the Stanford and Sons lime sludge excavation and disposal contract.

Funds: See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1586 from Acting City Manager.

Task Order No. 13 – CH2M Hill, Inc. –
Project 10365 – Temporary Program Management Office <u>Water and Wastewater Master Plan Capital Improvement Plan (WaterWorks 2011)</u> (M-13)

A motion authorizing the proper City officials to execute Task Order No. 13 with CH2M Hill in the amount of \$514,756 for the third and fourth years of the lease for the temporary program management office at 200 North Andrews Avenue for WaterWorks 2011, for the period through March 2006. (Also see Item M-14 on this Agenda)

Funds: See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1581 from Acting City Manager.

Task Order No. 17 - CH2M Hill, Inc. -

Project 10444 - 2004 Program Management Services -

Water and Wastewater Master Plan Capital Improvement Plan (WaterWorks 2011)

(M-14)

A motion authorizing the proper City officials to execute Task Order No. 17 with CH2M Hill in the amount of \$8,067,459 for the provision of program management services for 2004 in conjunction with the implementation of the City's ten-year Water and Wastewater Capital Improvement Plan (WaterWorks 2011). (Also see Item M-13 on this Agenda)

Funds: See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1583 from Acting City Manager.

#### **DeMinimis Settlement Agreement – United States**

Environmental Protection Agency (EPA) – Peele-Dixie Wellfield Contamination

(M-15)

A motion authorizing the proper City officials to execute the DeMinimis Settlement Agreement with EPA for the Peele-Dixie Wellfield contamination.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 03-1627 from Acting City Manager.

#### **PURCHASING AGENDA**

# <u>Proprietary – Maintenance, Automated Timekeeping System</u>

(Pur-1)

An agreement to purchase annual software and hardware maintenance is being presented for approval by the Public Services Department

Recommended Award: Kronos, Inc. Boston, MA

Amount: \$ 23,822.94

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 03-1594 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding the proprietary purchase.

# <u>Proprietary – Maintenance, Forensic Image Tracking</u>

(Pur-2)

An agreement to purchase annual maintenance and support is being presented for approval by the Police Department.

Recommended Award: Analysis Central System

Tiburon, CA

PC Professionals, Inc. Lakewood, WA

Amount: \$ 32,730.00

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 03-1595 Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding the proprietary purchase.

#### 742-8949 – Boat and Outboard Motor Maintenance

(Pur-3)

A one-year agreement for boat and outboard motor maintenance is being presented for approval by the Police Department.

Recommended Award: Joel's Outboard Service

Fort Lauderdale, FL

Amount: Per Unit Pricing
Bids Solicited/Rec'd: 18/2 with 1 no bids

Exhibits: Memorandum No. 03-1569 Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding to the single responsive and responsible bidder.

#### **MOTIONS**

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

#### Settlement of Workers Compensation File No. WC 99-10363 (Kenneth Hill)

(M-16)

A motion authorizing the proper City officials to settle Workers Compensation File No. GL 99-10363 with Kenneth Hill.

**Recommend:** Introduce motion.

**Exhibit:** Memo No. 03-1528 from Acting City Manager.

#### Settlement of Workers Compensation File No. WC 00-10434 (Dean Porio)

(M-17)

A motion authorizing the proper City officials to settle Workers Compensation File No. GL 00-10434 with Dean Porio.

**Recommend:** Introduce motion.

**Exhibit:** Memo No. 03-1618 from Acting City Manager.

# (MOTION ITEMS ARE CONTINUED ON PAGE 15)

#### **PUBLIC HEARINGS**

# Proposal for Permanent Installation of One-Way Diverter – South Ocean Drive, Immediately North of Mayan Drive

(PH-1)

A public hearing to consider a proposal for the permanent installation of a one-way diverter on South Ocean Drive, immediately north of Mayan Drive. Notice of public hearing was published November 6 and 13, 2003.

**Recommend:** Open hearing; close hearing; introduce motion. **Exhibit:** Memo No. 03-1580 from Acting City Manager.

Appeal of Planning and Zoning Board's
Decision to Deny Rezoning from CR to B-1 –
De Novo Hearing - Lauderdale Marine Center (PZ Case No. 5-Z-03)

(PH-2)

At the July 16, 2003 Planning and Zoning Board regular meeting, the following application was **denied** by a vote of 8-0; on October 7, 2003, the City Commission deferred first reading to October 21, 2003 by a vote of 5-0; and on October 21, 2003, the City Commission deferred first reading to November 18, 2003 by a vote of 5-0.

Applicant: Lauderdale Marine Center

Request: Appeal Planning and Zoning Board's decision to deny rezoning from CR

(Commercial Recreation) to B-1 (Boulevard Business)

Location: 2001 S.W. 20 Street

**Recommend:** Motion to defer to Tuesday, December 16, 2003 at 6:00 p.m.

**Exhibit:** Memo No. 03-1671 from Acting City Manager.

**Note:** Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions

#### **PUBLIC HEARINGS**

# Historic Designation – <u>LBJ Investments Inc. – Progresso Plaza (PZ Case No. 28-H-03)</u>

(PH-3)

At the September 15, 2003 Historic Preservation Board regular meeting, the following application was approved by a vote of 6-0:

Applicant: LBJ Investments Inc. Request: Historic designation

Location: Progresso Plaza – 901 Progresso Drive

**Recommend:** Open hearing; close hearing; introduce resolution. **Exhibit:** Memo No. 03-1474 from Acting City Manager.

**Note:** Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions

#### **ORDINANCES**

# Rezone RD-15 to RC-15 – Sovereign Development VIII (PZ Case No. 14-Z-03)

(0-1)

At the September 17, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 7-0. Ordinance No. C-03-38 was published October 23 and 30, 2003, and passed on first reading November 4, 2003 by a vote of 5-0.

Applicant: Sovereign Development VIII

Reguest: Rezone property from RD-15 to RC-15

Location: 2881 S.W. 18 Terrace

**Recommend:** Introduce ordinance on second reading.

**Exhibit:** Memo No. 03-1612 from Acting City Manager; and

Memo No. 03-1426 from Acting City Manager.

**Note:** Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions

received, and make them part of the record.

Notice of Proposed Change -

**Extend Development of Regional Impact (DRI)** 

Buildout Date - Spectrum Business Park Association (PZ Case No. 40-R-03)

(O-2)

At the October 15, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 7-1. Ordinance No. C-03-40 was published October 25, 2003, and passed on first reading November 4, 2003 by a vote of 5-0.

Applicant: Spectrum Business Park Association

Request: Notice of proposed change – extend DRI buildout date to November 29, 2010 Location: Southwest intersection of N.W. 21 Avenue and West Commercial Boulevard

**Recommend:** Introduce ordinance on second reading.

**Exhibit:** Memo No. 03-1625 from Acting City Manager; and

Memo No. 03-1455 from Acting City Manager.

**Note:** Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions

#### **ORDINANCES**

#### <u>Amend Chapter 28 – Increase Stormwater Management Program Rates</u>

(O-3)

An ordinance amending Chapter 28 of the Code of Ordinances, entitled "Water, Wastewater and Stormwater," by amending Section 28-197 thereof to increase Stormwater Management Program rates effective December 1, 2003. Ordinance No. C-03-39 was published October 25, 2003, and passed on first reading November 4, 2003 by a vote of 4-1 (Hutchinson).

**Recommend:** Introduce ordinance on second reading.

**Exhibit:** Memo No. 03-1544 from Acting City Manager; and

Memo No. 03-1543 from Acting City Manager.

#### <u>Amend Section 26-8 – Impoundment of Vehicles</u>

(0-4)

(O-5)

An ordinance amending Section 26-8 of the Code of Ordinances, entitled "Impoundment of Vehicles," providing for severability, providing for conflicts, and providing for an effective date. Notice of proposed ordinance was published November 8, 2003.

**Recommend:** Introduce ordinance on first reading.

**Exhibit:** Memo No. 03-1547 from Acting City Manager.

### <u>Amend Ordinance No. C-75-13 – Membership of the Citizens Board of Recognition</u>

An ordinance amending Ordinance No. C-75-13 to revise the membership of the Citizens Board of Recognition by adding two appointments as follows: one past honoree from one of the categories that requires City residency excluding Exemplary Former City Employee; and Council of Fort Lauderdale Civic Associations president or designee. Notice of proposed ordinance will be published between first and second reading.

**Recommend:** Introduce ordinance on first reading.

**Exhibit:** Memo No. 03-1632 from Acting City Manager.

(R-3)

#### **RESOLUTIONS**

<u>Downtown Master Plan</u> (R-1)

A resolution accepting the Consolidated Master Plan for the Downtown and discussing an amendment to Section 47-13.20, Downtown Regional Activity Center (RAC) Review Process and Special Regulations and such other sections of the Unified Land Development Regulations (ULDR) to provide requirements for the allocation of any dwelling units in excess of the 5,100 dwelling units presently permitted in the Downtown RAC. Notice of public discussion was published October 25, 2003; on November 4, 2003, the City Commission deferred consideration of this item to a workshop on November 12, 2003 and formal consideration on November 18, 2003.

**Recommend:** Introduce resolution.

**Exhibit:** Memo No. 03-1673 from Acting City Manager.

### **Proposed Changes to Employee**

# <u>Health Benefit Plan - Non-Bargaining Employees (Management and Confidential)</u> (R-2)

A resolution approving amendments to the existing PPO and EPN benefit levels of the City's non-bargaining employee health benefit plan; further approving the addition of a new EPN option and amendments to the prescription drug program; and further approving amendments to the employee biweekly deductions for health coverage effective January 1, 2004. (On November 12, 2003, the City Commission deferred consideration of this item to November 18, 2003.)

**Recommend:** Introduce resolution.

**Exhibit:** Memo No. 03-1676 from Acting City Manager.

#### Site Plan Level IV Approval/IOA – Royal Atlantic LLC (PZ Case No. 135-R-02)

At the April 23, 2003 Planning and Zoning Board regular meeting, the following application was **denied** by a vote of 3-6. On June 17, 2003, this item was deferred for consideration to July 15, 2003 by a vote of 5-0; on July 15, 2003, this item was deferred for consideration to September 3, 2003 by a vote of 5-0; and on September 3, 2003, this item was again deferred for consideration to October 21, 2003 by a vote of 5-0. (Also see Item R-4 on this Agenda)

Applicant: Royal Atlantic LLC
Request: Site plan approval/IOA
Location: 435 Bayshore Drive

**Recommend:** Introduce resolution.

**Exhibit:** Memo No. 03-1556 from City Manager.

**Note:** Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions

#### **RESOLUTIONS**

# <u>Plat Approval for "Royal Atlantic" Plat – Royal Atlantic LLC (PZ Case No. 31-P-02)</u> (R-4)

At the April 23, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 9-0. On June 17, 2003, this item was deferred for consideration to July 15, 2003 by a vote of 5-0; on July 15, 2003, this item was deferred for consideration to September 3, 2003 by a vote of 5-0; and on September 3, 2003, this item was again deferred for consideration to October 21, 2003 by a vote of 5-0. (Also see Item R-3 on this Agenda)

Applicant: Royal Atlantic LLC

Request: Plat approval for "Royal Atlantic" plat

Location: 435 Bayshore Drive

**Recommend:** Introduce resolution.

**Exhibit:** Memo No. 03-1557 from City Manager.

**Note:** Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions

received, and make them part of the record.

# Site Plan Level III/Conditional Use/RAC-UV – Tamatsu and Maizel <u>Kobayashi and Charles March - Flagler Junction (PZ Case No. 130-R-02)</u> (R-5)

A resolution to consider an application filed by T. Kobayashi and C. March for approval of a Site Plan Level III/Conditional Use/RAC-UV. On October 21, 2003, the City Commission deferred consideration of the following item to November 18, 2003 by a vote of 5-0:

Applicant: Tamatsu and Maizel Kobayashi, and Charles March Request: Site plan level III/conditional use/RAC-UV approval

Location: 721 N.E. 4 Avenue

**Recommend:** Motion to defer to Tuesday, December 16, 2003 at 6:00 p.m.

**Exhibit:** Memo No. 03-1621 from Acting City Manager.

**Note:** Anyone wishing to speak on this item must be sworn in.

City Commissioners will announce any site visits, communications or expert opinions

received, and make them part of the record.

# Northwest-Progresso-Flagler Heights (NPF) Community Redevelopment Agency (CRA) Bonds, Series 2003 A and B

(R-6)

A resolution authorizing the net revenues available for debt service be pledged to support the NPF CRA Bonds, Series 2003 A and B; and further requiring the Parking System maintain rates and fees sufficient to meets its routine operating expenses and coverage requirements for the bonds. (Also see CRA Item No. 6 on the Conference Agenda)

**Recommend:** Introduce resolution.

**Exhibit:** Memo No. 03-1635 from Acting City Manager.

#### RESOLUTIONS

# Agreement – Milton Jones Development <u>Corporation – Northwest Commercial Redevelopment Project</u>

(R-7)

A resolution authorizing the proper City officials to execute an agreement with Milton Jones Development Corporation for the Northwest Commercial Redevelopment Project. (Also see Item I-D on the Conference Agenda)

**Recommend:** Introduce resolution.

**Exhibit:** Memo No. 03-1604 from Acting City Manager.

# Intent to Convey Property to the Fort Lauderdale Community Redevelopment Agency (CRA) – Redevelopment of 1025-1033 Sistrunk Boulevard (N.W. 6 Street)

(R-8)

A resolution determining and declaring the City's intention to convey certain public property located at 1025-1033 Sistrunk Boulevard (N.W. 6 Street) to the CRA for redevelopment within the Northwest-Progresso-Flagler Heights Community Redevelopment Area; and further designating a date and time for a public hearing to consider such proposal. (Also see CRA Items No. 1 and 2 on the Conference Agenda)

**Recommend:** Introduce resolution.

**Exhibit:** Memo No. 03-1573 from Acting City Manager.

# <u>Settlement of Code Enforcement Liens – Face Value of \$5,000 or Less</u>

(R-9)

A resolution delegating the authority to settle and release code enforcement liens having a face value of \$5,000 or less to the City Manager.

**Recommend:** Introduce resolution.

**Exhibit:** Memo No. 03-2379 from City Attorney.

# Administrative Releases – Recorded and

#### <u>Defective or Extinguished Code Enforcement Orders, Affidavits and Liens</u>

(R-10)

A resolution delegating the authority to execute administrative releases of certain recorded and defective or extinguished code enforcement orders, affidavits, and liens to the City Manager.

**Recommend:** Introduce resolution.

**Exhibit:** Memo No. 03-2380 from City Attorney.

#### **MOTIONS**

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

# (CONTINUED FROM PAGE 7)

### Proposed Lien Settlements – Special Master and Code Enforcement Board Cases

(M-18)

A motion authorizing the proposed lien settlements for the following Special Master and Code Enforcement Board cases:

- 1. 3728 S.W. 12 Place (CE02020446) Martha Menendez \$77,400
- 2. 2509 S.W. 9 Avenue (CE00111371) Ronald T. Spann, Rev Liv Tr \$9,300
- 3. 2509 S.W. 9 Avenue (CE01010461) Ronald T. Spann, Rev Liv Tr \$5,250
- 4. 1021 N.W. 25 Way (CE03030769) Anthony Chao \$77,250
- 5. 801 N.W. 14 Way (CE02102351) L. Rizor, Jr. and Mary B. Rizor \$5,500
- 6. 742 N.W. 10 Terrace (CE00051884) Wesley Lovett and Johnny Bynes \$152,100
- 7. 1467 S.W. 18 Avenue (CE02090642) Christa Alban Lakaschus \$850
- 8. 268 S.W. 32 Court (CE02110294) Worldwide Yacht Sales & Charter \$1,200
- 9. 1220 Riverland Road (CE03031342) John Greenfield \$7,500
- 10. 537 N.W. 7 Terrace (CE03012074) Ada Rappaport \$4,700
- 11, 2200 N.W. 6 Court (CE02022054) Flamingo Capital Inc. \$12,225
- 12. 647 N.W. 14 Terrace (CE00121091) Viola B. Blount Estate \$12,160
- 13. 1625 N.W. 7 Avenue (CE01031358) Lionel and Merilyn Latour \$4,160

**Recommend:** Introduce motion.

**Exhibit:** Memo No. 03-1605 from Acting City Manager.